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B-168652

OEO

JAN 28 1970

RELEASED

Dear Mr. Scherle.

Pursuant to your request of December 8, 1969, we have examined the circumstances under which the Office of Economic Opportunity (OEO) authorized the Iowa State Economic Opportunity Office to use OEO grant funds to pay the cost of moving Mr. Robert F. Tyson's household goods from McLean, Virginia, to Ankeny, Iowa.

The records show that Mr. Tyson moved to Washington, D.C., in January 1967 to take a position as Administrative Assistant to Congressman Fred Schwengel of Iowa and that in June 1968 Mr. Tyson accepted an assignment in the Congressman's Davenport, Iowa, office. Mr. Tyson has stated that after he accepted the assignment, his household goods were placed in storage in McLean, Virginia, and that he allowed the lease on his Washington, D.C., apartment to expire because the Iowa assignment was temporary in nature and, upon its completion and his return to Washington, D.C., he planned to live in a different location.

According to Mr. Tyson, in December 1968 he decided to remain in Iowa and in January 1969 he was appointed as the Director of the Iowa State Economic Opportunity Office in Des Moines, Iowa. In February 1969, at the request of the State office, the OEO North Central Regional Office authorized the State office to pay for the cost of moving Mr. Tyson's household goods from storage in McLean, Virginia, to Ankeny, Iowa, a suburb of Des Moines, Iowa. Payment of the moving cost of \$216.68 was authorized by the regional office under an OEO guideline which states, in part

"Moving costs. A grantee may apply to the OEO Regional Office for permission to pay the actual costs of moving household goods, up to a maximum of \$1,000, for a person who is hired to be staff director or deputy staff director and who resides outside the community where he is to work."

The word "resides" is not defined in the guideline. However, the verb "reside" usually means to dwell permanently or continuously. Therefore a determination of the coverage of the guideline may be made only on the basis of the facts of the individual case. In this case Mr. Tyson leased an apartment in Washington, D.C., in January 1967 and his household goods remained there until they were placed in storage in McLean, Virginia, in June 1968. Although Mr. Tyson leased an apartment in Bettendorf, Iowa, for 6 months in June 1968 and worked in

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Davenport, Iowa, from June to December 1968, the fact that Mr. Tyson's goods were placed in storage instead of being moved to Iowa indicates a change of residence did not occur. Regarding Mr. Tyson's decision in December 1968 to remain in Iowa, we note that he moved to a hotel and did not lease permanent living quarters in Ankeny, Iowa, until after his appointment as Director of the Iowa State Economic Opportunity Office. In the circumstances we do not believe that it was beyond the scope of the quoted guideline to consider that Mr. Tyson resided in Washington, D.C., until the time of his appointment.

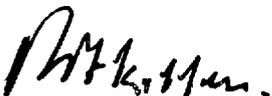
For the reasons stated, OEO's authorization for the State office to pay the cost of moving Mr. Tyson's household goods with grant funds does not appear to have been prohibited by the guidelines in question and, in view of the facts involved, we do not consider the decision of the OEO in this case to have been unreasonable.

OEO and the other parties referred to herein have not been given an opportunity to formally examine and comment on the contents of this letter.

We plan to make no further distribution of this letter unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the letter.

We trust that the information contained in this letter will be of assistance to you.

Sincerely yours,

  
Assistant Comptroller General  
of the United States

The Honorable William J. Scherle  
House of Representatives

RELEASED

REVIEW OF THE REIMBURSEMENT  
OF MOVING EXPENSES FOR AN IOWA  
STATE OFFICE OF ECONOMIC OPPORTUNITY  
DIRECTOR  
OFFICE OF ECONOMIC OPPORTUNITY

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70-27-Scherle

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At the request of Congressman William J. Scherle, we made a review of the circumstances under which the Office of Economic Opportunity (OEO) authorized the Iowa State Economic Opportunity Office to use OEO grant funds to pay the cost of moving Mr. Robert F. Tyson's household goods from McLean, Virginia, to Ankeny, Iowa.

We submitted this case to our General Counsel for comment and their finding was that OEO's authorization to pay the moving costs was not prohibited, as follows:

The records showed that Mr. Tyson went to Davenport, Iowa, to accept a position and had placed his household goods in storage in McLean, Virginia. He was subsequently appointed as Director of the Iowa State Economic Opportunity Office and had his goods shipped from McLean, Virginia, to Ankeny, Iowa, at Government expense. OEO guidelines state that moving costs may be paid by a grantee for moving household goods of a staff director who resides outside the community where he is to work.

The word "resides" is not defined in the guideline. However, the verb "reside" usually means to dwell permanently or continuously. Therefore a determination of the coverage of the guideline may be made only on the basis of the facts of the individual case. In this case Mr. Tyson leased an apartment in Washington, D. C., in January 1967 and

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his household goods remained there until they were placed in storage in McLean, Virginia, in June 1968. Although Mr. Tyson leased an apartment in Bettendorf, Iowa, for 6 months in June 1968 and worked in Davenport, Iowa, from June to December 1968, the fact that Mr. Tyson's goods were placed in storage instead of being moved to Iowa indicates a change of residence did not occur. Regarding Mr. Tyson's decision in December 1968 to remain in Iowa, we note that he moved to a hotel and did not lease permanent living quarters in Ankeny, Iowa, until after his appointment as Director of the Iowa State Economic Opportunity Office. In the circumstances we do not believe that it was beyond the scope of the quoted guideline to consider that Mr. Tyson resided in Washington, D. C., until the time of his appointment.

*Revised*  
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SHIPMENT OF HOUSEHOLD GOODS

Legal interpretation of residency in movement of household goods at  
Government expense from McLean, Va , to Ankeny, Iowa